

U.S. Patent Application No. 10/786,621
Response to Restriction Requirement dated September 4, 2007
Reply to Office Action of August 20, 2007

REMARKS/ARGUMENTS

At page 2 of the Office Action, the Examiner is requesting that the applicant restrict this application to one of the three inventions as follows:

- I. Claims 1-22, 40-53, and 59-63, drawn to a valve metal oxide of varying compositions and purities, classified in class 423, subclass 594.170.
- II. Claims 23-39, drawn to a method for reducing a valve metal oxide to form an oxygen-reduced valve metal oxide by allowing for oxygen transfer from niobium oxide, classified in class 423, subclass 594.170.
- III. Claims 55-58, drawn to a capacitor or capacitor anode, classified in class 174, subclass 322.

To be responsive, the applicants elect, with traverse, Group I, directed to claims 1-22, 40-53, and 59-63 for examination.

For the following reasons, the restriction requirement is respectfully traversed.

With regard to all of the claims, it is respectfully submitted that all claims should be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. It is believed that the subject matter has the same concept from the standpoint that the searches will overlap in part. Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time.

Further, at the very least, Group III, directed to a capacitor or a capacitor anode comprising the valve metal oxide of claim 1 should be included in the elected invention. These claims are dependent ultimately on claim 1, the elected invention, and recite the valve metal suboxide powder of claim 1 as the ingredient. Therefore, by searching the subject matter of Group I, the Examiner

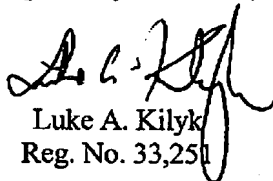
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will already be searching the subject matter of Group III. Further, as the Examiner should see, the search of Group I will review prior art in the powder area, which will include capacitors using the powder. Thus, it would not be a burden to at least search the subject matter of Group III with Group I.

In addition, with respect to Group II, these methods of reducing a valve metal oxide are the preferred processes used to make the subject matter of claim 1 and, further, as the Examiner notes, the classification is the same, as well as the sub-classification. Accordingly, it would not be a serious burden on the part of the Examiner to also search the subject matter of Group II relating to these method claims. Clearly, the searches will overlap for Group I - Group III.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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